

**REMARKS**

Claims 1-6, 8-11 and 24-32 stand unamended.

***Claim Rejection - 35 USC §103***

Applicants submit: (1) claims 1-5, 10, 24-27, 30 and 32 are allowable under 35 U.S.C. 103(a) over U.S. Patent No. 5,149,674 (Freeman) in view of U.S. Patent No. 5,989,991 (Lien); (2) claim 6 is allowable over Freeman and Lien as applied to claims 1-5, 10, 24-27, 30 and 22 and further in view of U.S. Patent No. 4,723,197 (Takiar); (3) Claims 8, 9, 28-29 and 31 are allowable under 35 U.S.C. 103(a) over the combination of Freeman and Lien as applied to claim 1-5, 10, 24-27, 30 and 32 and further in view of U.S. Patent No. 5,942,448 (White); and (4) claim 11 is allowable under 35 U.S.C. 103(a) over the combination of Freeman and Lien as applied to claims 1-5, 10, 24-27, 30 and 32 and further in view of U.S. Patent No. 5,912,510 (Hwang).

Applicants submit that the U.S.P.T.O. has failed to establish a prima facie case of obviousness with respect to the combination of Freeman and Lien because their combination would destroy the intent, purpose or function of the invention disclosed in Lien. In short, there is no technological motivation for engaging in the modification or change. To the contrary there would be a disincentive. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Lien teaches "An insulating layer having an irregular upper surface...to improve adhesion...between the insulating layer and a bonding pad (Abstract). Lien specifically calls for forming the bond pad only over an insulating layer. Thus, the Examiner is incorrect in arguing that it would have been within the scope of one of ordinary skill in the art to combine the teachings of Freeman and Lien (i.e. move the vias under the bond pads) to achieve the formation of interconnects in the bonding pad structure of Freeman because it would have destroyed the function of the invention disclosed in Lien, i.e., to increase the adhesion to an underlying dielectric layer.

**Conclusion**

Applicants submit that because the Freeman and Lien references are not properly combinable the pending claims are in a condition for allowance. Applicants therefore respectfully request that the rejections be withdrawn and the pending claims be allowed.

Respectfully submitted,

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